

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-cv-498
)	
SILGAN CONTAINERS LLC,)	
)	
Defendant.)	
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**JOINT STIPULATION AND AGREED ORDER
TERMINATING CONSENT DECREE**

As set forth herein, the United States of America and Defendant Silgan Containers LLC (“Silgan”) jointly stipulate that the prerequisites have been met for termination of the Consent Decree that resolved this case on specified terms and conditions. Silgan has certified the completion of its obligations under the Consent Decree and the U.S. Environmental Protection Agency (“EPA”) raised no objections to the proposed termination during a review period afforded by Consent Decree Paragraph 78. The United States and Silgan therefore seek the Court’s entry of this Joint Stipulation and Agreed Order Terminating Consent Decree. The United States filed its Complaint in this action on June 14, 2010, seeking civil penalties and injunctive relief for alleged violations of the Clean Air Act, 42 U.S.C. §§ 7401-7671q, at multiple sanitary steel container manufacturing facilities owned and/or operated by Silgan, including three facilities located in Waukesha County,

Wisconsin. On the day the Complaint was filed, the United States also lodged a proposed Consent Decree between the United States and Silgan. The Court approved and entered that proposed Consent Decree on August 2, 2010, after a public comment period. Among other things, the Consent Decree required that Silgan: (i) implement an injunctive relief program to control air pollutant emissions from its covered facilities; (ii) seek and obtain permit restrictions to guarantee achievement of agreed air pollutant emission reductions; and (iii) pay a \$365,000 civil penalty for alleged past violations of the Clean Air Act.

Consent Decree Paragraph 77 lists prerequisites to termination that must be satisfied by Silgan. Paragraph 78 prescribes the process that Silgan must follow in seeking termination, as follows:

78. a. At such time as Defendant believes that termination of the Consent Decree is appropriate, Defendant shall submit to EPA and the United States, for review and approval, a request for termination containing a certification that Defendant has satisfied the requirements set forth in Paragraph 77.a.-h.

b. The Parties shall confer informally concerning the request for termination and any disagreement that the Parties may have as to whether, as applicable, the Defendant has satisfactorily complied with all the requirements of the Consent Decree termination in Paragraph 77.a.-h. If the United States and EPA agree that the Consent Decree should be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Consent Decree within sixty (60) days of the United States' receipt of the request

Silgan has certified that all prerequisites to termination have been met, as evidenced by the executed certification and supporting information that is attached as Exhibits 2 and 3 to the Motion for entry of this Joint Stipulation and Agreed Order. Based on that certification, as well as a review of available information by

EPA, EPA agrees with Silgan that all prerequisites to termination have been met and the United States and Silgan agree that the Consent Decree should be terminated.

NOW, THEREFORE, in light of the parties' Joint Stipulation, and for good cause appearing, **IT IS HEREBY STIPULATED, AGREED, AND ORDERED:**

The Consent Decree is terminated in light of the parties' Joint Stipulation that the prerequisites for termination have been met.

The termination shall take effect upon the Court's entry of this Joint Stipulation and Agreed Order.

**Joint Stipulation and Agreed Order Terminating Consent Decree in
United States v. Silgan Containers LLC, No. 10-cv-498 (E.D. Wis.)**

IT IS SO STIPULATED.

FOR PLAINTIFF THE UNITED STATES OF AMERICA

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment and Natural Resources Division

Dated: April 26, 2017

s/ *Randall M. Stone*
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**Joint Stipulation and Agreed Order Terminating Consent Decree in
United States v. Silgan Containers LLC, No. 10-cv-498 (E.D. Wis.)**

IT IS SO STIPULATED.

FOR DEFENDANT SILGAN CONTAINERS LLC

COUNSEL FOR SILGAN CONTAINERS LLC

Dated: April 26, 2017

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**Joint Stipulation and Agreed Order Terminating Consent Decree in
United States v. Silgan Containers LLC, No. 10-cv-498 (E.D. Wis.)**

SO ORDERED.

May 16, 2017
Date

s/ J.P. Stadtmueller
United States District Judge